IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Suit No.1038 of 1995.

Mahanagar Telephone Nigam Ltd ..Plaintiff

versus

Joone T. Zakiuddin ..Defendant.

Ms.S.J.Shah i/b. Usha Nair for the Plaintiff

Coram : V.C.Daga, J.
Dated : 1st February, 2008

P.C.

1. Heard learned Counsel for the plaintiff-M.T.N.L. None appears for the defendant.

2. The present suit has been filed by the plaintiff-M.T.N.L. for recovery of amount due and payable by the defendant under different telephone bills. The defendants failed to pay the amount so demanded by the plaintiff as per the said telephone bills, as the defendant contested the demand being excessive one. As the defendant has failed to pay the amount, the plaintiff had no option but to institute the present suit for recovery of the amount under the suit bills.

3. In view of the mandate of Section 7-B of the

Act as expounded by the Apex Court in the case of **Telecom District Manager, Goa & Ors. Vs. S.C. Dempo & Co. and Ors. reported in A.I.R.1996 S.C. 1545,** it is appropriate that the matter is referred to arbitration. The reference to arbitration is for determination of dispute under Section 7-B of the Act, which is a statutory remedy.

4. The Central Government shall notify the arbitrator before whom the present dispute will be tried and decided in arbitration. The plaintiffs to intimate competent authority of the Central Government to take immediate steps to notify the arbitrator in terms of section 7B of the Act. Such notification shall be issued within eight weeks from today.

5. The Arbitrator so appointed shall conclude the arbitration proceedings as expeditiously as possible and in any case, not later than six months from the date he enters upon arbitration or the parties are expected to make first appearance before him, whichever is earlier.

6. It is made clear that all issues raised in

the present suit at the instance of either side shall be considered on merits in accordance with law in the arbitration proceedings.

7. Suit is disposed of in the above terms. Refund as per rules.

8. The learned counsel for the plaintiff-M.T.N.L. assures that intimation will be given to the advocate for the defendant as well as the defendant forthwith about the order passed today in this suit.

(V.C.Daga, J.)